

**SUPREME COURT MINUTES  
THURSDAY, JULY 28, 2011  
SAN FRANCISCO, CALIFORNIA**

**S075616**

**PEOPLE v. GONZALES  
(JOHN ANTHONY) & SOLIZ  
(MICHAEL)**

Opinion filed: Judgment affirmed in full

Majority Opinion by Werdegar, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Baxter, Chin, Corrigan, and Hollenhorst\*, JJ.

\* Associate Justice, Court of Appeal, Fourth Appellate District, Division Two, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**S082828**

**PEOPLE v. THOMAS  
(CORRELL LAMONT)**

Opinion filed: Judgment affirmed in full

Majority Opinion by Corrigan, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Baxter, Werdegar, Chin, and Jenkins\*, JJ.

\* Associate Justice, Court of Appeal, First Appellate District, Division Three, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**S195137**

**JUSTICE (ROBERT V.) v.  
CALIFORNIA FRANCHISE  
TAX BOARD**

Vexatious litigant application denied

The application of petitioner for leave to file Petition for Writ of Mandate is hereby denied.

**S065233**

**PEOPLE v. SMITH (FLOYD  
DANIEL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to September 30, 2011.

**S075727**

**PEOPLE v. JOHNSON  
(CEDRIC JEROME)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to September 30, 2011.

**S080054**

**PEOPLE v. LINTON (DANIEL  
ANDREW)**

Extension of time granted

Good cause appearing, and based upon counsel Diane E. Berley's representation that she anticipates filing the appellant's reply brief by November 1, 2011, counsel's request for an extension of time in which to file that brief is granted to September 26, 2011. After that date, only one further extension totaling about 36 additional days is contemplated.

**S086578**

**PEOPLE v. LOOT  
(KENDRICK) & MILLSAP  
(BRUCE)**

Extension of time granted

Good cause appearing, and based upon counsel Manuel J. Baglanis's representation that he anticipates filing appellant Bruce Millsap's opening brief by February 2012, counsel's request for an extension of time in which to file that brief is granted to September 20, 2011. After that date, only three further extensions totaling about 150 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S091898**

**PEOPLE v. RUBIO (GILBERT  
RAUL)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Andrew S. Love's representation that he anticipates filing the appellant's opening brief by April 2012, counsel's request for an extension of time in which to file that brief is granted to September 30, 2011. After that date, only three further extensions totaling about 180 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S099770**

**PEOPLE v. COOPER (LEON  
CHAUNCEY)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Karen Hamilton's representation that she anticipates filing the appellant's reply brief by September 14, 2012, counsel's request for an extension of time in which to file that brief is granted to September 16,

2011. After that date, only six further extensions totaling about 360 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S101984****PEOPLE v. CHISM (CALVIN DION)**

Extension of time granted

Good cause appearing, and based upon counsel Mark D. Lenenberg's representation that he anticipates filing the appellant's reply brief by January 31, 2012, counsel's request for an extension of time in which to file that brief is granted to September 30, 2011. After that date, only two further extensions totaling about 120 additional days are contemplated.

**S103358****PEOPLE v. BARRERA (MARCO ESQUIVEL)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing the appellant's opening brief by August 31, 2012, counsel's request for an extension of time in which to file that brief is granted to September 30, 2011. After that date, only six further extensions totaling about 330 additional days will be granted.

**S115378****PEOPLE v. WOODRUFF (STEVE)**

Extension of time granted

Good cause appearing, and based upon counsel Dennis C. Cusick's representation that he anticipates filing the appellant's opening brief by September 1, 2011, counsel's request for an extension of time in which to file that brief is granted to September 1, 2011. After that date, no further extension is contemplated.

**S122611****PEOPLE v. STESKAL (MAURICE GERALD)**

Extension of time granted

Good cause appearing, and based upon counsel Gilbert Gaynor's representation that he anticipates filing the appellant's opening brief by April 19, 2012, counsel's request for an extension of time in which to file that brief is granted to September 23, 2011. After that date, only four further extensions totaling about 210 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S132449****PEOPLE v. PETERSON  
(SCOTT LEE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to September 30, 2011.

**S187243**      B216515 Second Appellate District, Div. 4**PACIFIC PALISADES BOWL  
MOBILE ESTATES LLC v.  
CITY OF LOS ANGELES**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the consolidated answer to amicus curiae brief is extended to September 26, 2011.

**S187622****O'MALLEY III (JAMES  
FRANCIS) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Nanette Winaker's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by October 7, 2011, counsel's request for an extension of time in which to file that document is granted to September 30, 2011. After that date, only one further extension totaling about seven additional days is contemplated.

**S194764**      B223447 Second Appellate District, Div. 4**FERGUSON (SUSAN L.) v.  
AVELO MORTGAGE LLC**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to August 12, 2011.

**S192536**      H035123 Sixth Appellate District**PEOPLE v. ANZALONE  
(CHRISTINA MARIE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, J. Courtney Shevelson is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

**S193084** H035075 Sixth Appellate District**PEOPLE v. SANCHEZ (JOSE GONZALEZ)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Syda Kosofsky is hereby appointed to represent appellant on the appeal now pending in this court.

**S107541****ROBISON ON RESIGNATION**

Order filed

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order accepting the voluntary resignation filed on June 20, 2002, be amended nunc pro tunc to reflect the correct spelling of petitioner's name as GEORGE CHARLES ROBISON, State Bar Number 56043. In all other respects, the order remains unchanged.

**S194489** B233821 Second Appellate District, Div. 6**SENATOR (BRUCE) v. S.C. (CATE)**

Order filed

The application of petitioner requesting permission to file exhibits in support of petition for review is denied.

**S195153** G043778 Fourth Appellate District, Div. 3**McGILL (SUSAN) v. S.C. (PEOPLE)**

Order filed

The time for granting review on the court's own motion is hereby extended to September 28, 2011. (Cal. Rules of Court, rule 8.512(c).)

**H034639** Sixth Appellate District**PEOPLE v. GERBER (JOSEPH LOWELL)**

Order filed

The time for granting review on the court's own motion is hereby extended to and including October 6, 2011. (Cal. Rules of Court, rule 8.512(c).)

**S193244****TAYLOR ON DISCIPLINE**

Recommended discipline imposed

The court orders that PAUL NATHAN TAYLOR, State Bar Number 199022, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. PAUL NATHAN TAYLOR is suspended from the practice of law for the first 90 days of probation;

2. PAUL NATHAN TAYLOR must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 5, 2011; and
3. At the expiration of the period of probation, if PAUL NATHAN TAYLOR has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

PAUL NATHAN TAYLOR must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

PAUL NATHAN TAYLOR must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2012, 2013, and 2014. If PAUL NATHAN TAYLOR fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

#### **1016720-11**

Order **1016720-11**, filed March 7, 2011, is amended to read as follows:

The HONORABLE TERENCE L. BRUINIERS, Associate Justice of the Court of Appeal, First Appellate District, Division Five, is hereby assigned to assist the Supreme Court, as a justice thereof, on March 7, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

This assignment is provisional, and will be vacated if, prior to the date set for oral argument in the matter in which the justice will assist the court as a justice thereof, the Commission on Judicial Appointments has confirmed the proposed appointment of a New Associate Justice of the California Supreme Court.

#### **1018937-11**

The HONORABLE NORMAN L. EPSTEIN, Presiding Justice of the Court of Appeal, Second Appellate District, Division Four, is hereby assigned to assist the Supreme Court, as a justice thereof, on September 6, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

This assignment is provisional, and will be vacated if, prior to the date set for oral argument in the matter in which the justice will assist the court as a justice thereof, the Commission on Judicial Appointments has confirmed the proposed appointment of a New Associate Justice of the California Supreme Court.

**1018938-11**

The HONORABLE GENE M. GOMES, Associate Justice of the Court of Appeal, Fifth Appellate District, is hereby assigned to assist the Supreme Court, as a justice thereof, on September 6, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

This assignment is provisional, and will be vacated if, prior to the date set for oral argument in the matter in which the justice will assist the court as a justice thereof, the Commission on Judicial Appointments has confirmed the proposed appointment of a New Associate Justice of the California Supreme Court.

**1018939-11**

The HONORABLE J. ANTHONY KLINE, Presiding Justice of the Court of Appeal, First Appellate District, Division Two, is hereby assigned to assist the Supreme Court, as a justice thereof, on September 7, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

This assignment is provisional, and will be vacated if, prior to the date set for oral argument in the matter in which the justice will assist the court as a justice thereof, the Commission on Judicial Appointments has confirmed the proposed appointment of a New Associate Justice of the California Supreme Court.

**1018940-11**

The HONORABLE JAMES J. MARCHIANO, Presiding Justice of the Court of Appeal, First Appellate District, Division One, is hereby assigned to assist the Supreme Court, as a justice thereof, on September 7, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

This assignment is provisional, and will be vacated if, prior to the date set for oral argument in the matter in which the justice will assist the court as a justice thereof, the Commission on Judicial Appointments has confirmed the proposed appointment of a New Associate Justice of the California Supreme Court.

**1018942-11**

The HONORABLE SANDRA LYNN MARGULIES, Associate Justice of the Court of Appeal, First Appellate District, Division One, is hereby assigned to assist the Supreme Court, as a justice thereof, on September 6, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

This assignment is provisional, and will be vacated if, prior to the date set for oral argument in the matter in which the justice will assist the court as a justice thereof, the Commission on Judicial Appointments has confirmed the proposed appointment of a New Associate Justice of the California Supreme Court.

**1018952-11**

The HONORABLE JUDITH D. McCONNELL, Presiding Justice of the Court of Appeal, Fourth Appellate District, Division One, is hereby assigned to assist the Supreme Court, as a justice thereof, on September 7, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

This assignment is provisional, and will be vacated if, prior to the date set for oral argument in the matter in which the justice will assist the court as a justice thereof, the Commission on Judicial Appointments has confirmed the proposed appointment of a New Associate Justice of the California Supreme Court.



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO AND  
HASTINGS COLLEGE OF LAW SPECIAL SESSION  
SEPTEMBER 6 and 7, 2011**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on September 6, 2011, and at its Special Session at the University of California, Hastings College of Law, 200 McAllister Street, San Francisco, California, on September 7, 2011.

**TUESDAY, SEPTEMBER 6, 2011 — 10:00 A.M.**

Earl Warren Building  
350 McAllister Street

- (1) S189476 Perry et al.; City and County of San Francisco v. Edmund G. Brown, Jr., as Governor, etc., et al. (Epstein, P.J., assigned justice pro tempore)\*

**1:30 P.M.**

- (2) S042660 People v. Dement (Ronnie Dale) [Automatic Appeal] (Margulies, J., assigned justice pro tempore)\*
- (3) S066939 People v. Allen (Michael) and Johnson (Cleamon) [Automatic Appeal] (Gomes, J., assigned justice pro tempore)\*

**WEDNESDAY, SEPTEMBER 7, 2011 — 9:30 A.M.**

University of California, Hastings College of Law  
200 McAllister Street

***Opening Remarks: Historic Special Session***

- (4) S184212 People v. Vang (Xue) et al. (Kline, P.J., assigned justice pro tempore)\*
- (5) S188128 Los Angeles County Metropolitan Transportation Authority v. Alameda Produce Market LLC et al. (Marchiano, P.J., assigned justice pro tempore)\*

**1:30 P.M.**

- (6) S183372 Serrano et al. v. Stefan Merli Plastering Co., Inc. et al. (McConnell, A.P.J., assigned justice pro tempore)\*

- (7) S065467 People v. Mendoza (Ronald Bruce) [Automatic Appeal]  
(Bruiniers, J., assigned justice pro tempore)\*

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*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**\*Note:** Each order assigning a justice of the Court of Appeal to serve as a justice pro tempore at the September 2011 oral argument calendar specifies that the pro tempore assignment is provisional, and will be vacated if, prior to the date set for oral argument, the Commission on Judicial Appointments has confirmed the proposed appointment of a new Associate Justice of the California Supreme Court.